

AMENDED IN SENATE MAY 3, 2005  
AMENDED IN SENATE APRIL 11, 2005

**SENATE BILL**

**No. 932**

**Introduced by Senator Kuehl**

February 22, 2005

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~~An act to amend Sections 809.05, 809.1, 809.2, 809.3, 809.4, and 809.5, of, and to add Sections 809.10, 809.13, and 2197.5 to, the Business and Professions Code, relating to healing arts. An act relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 932, as amended, Kuehl. Physicians and surgeons: peer review.

Existing law, the Medical Practice Act, provides for licensing and regulation of physicians and surgeons by the Medical Board of California. Existing law establishes a peer review system for physicians and surgeons under which a peer review body may take certain action against a physician and surgeon in accordance with various discovery, hearing, and appeal procedures.

~~This bill would make a number of changes to the peer review process. The bill would require the peer review body to give the licensee written notice of the final proposed action by personal service or by certified mail. The bill would limit the final proposed action to acts or omissions that have occurred within 3 years of the filing of the notice of charges, with certain exceptions. The bill would modify the hearing process to provide for a panel acting as the trier of fact consisting of 3 unbiased healing arts practitioners whose scope of practice is at least as broad as that of the licensee under review, and a presiding hearing officer with specified qualifications. The bill would require the Division of Medical Quality of the board to approve independent judicial review panel organizations to provide hearing~~

~~panels. The bill would provide for a clinical improvement training program designed to ensure that licentiates are able to access additional training. Under the bill, referral to a training program would be one option for a panel to consider, and successful completion of the program would terminate the inquiry that resulted in referral to the program. The bill would make other related changes~~ *state the intent of the Legislature relative to the peer review process.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. It is the intent of the Legislature to ensure that*  
2     *the hospital peer review process is structured in a way that*  
3     *protects the public as well as the appropriate oversight functions*  
4     *of hospitals and medical staff. Specifically, it is the intent of the*  
5     *Legislature to ensure all of the following:*

6     *(a) That peer review hearing officers and panel members make*  
7     *their decisions free of bias.*

8     *(b) That the peer review process is free of conflicts of interest*  
9     *that can undermine the credibility of decisions.*

10    *(c) That peer review is conducted in the most efficient way in*  
11    *order to ensure sound decisions without unreasonable delay.*

12    *(d) That physicians who are summarily suspended are allowed*  
13    *access to a timely, adequate, and appropriate process to ensure*  
14    *that those suspensions are warranted, and that hospitals do not*  
15    *unjustifiably suspend physicians using summary procedures.*

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18     **All matter omitted in this version of the bill**  
19     **appears in the bill as amended in Senate,**  
20     **April 11, 2005**  
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